5164743/2021/TAPPAL-REV01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Prohibition & Excise Department – Allegation of Criminal Misconduct and Criminal Conspiracy against Sri Ch.Gopala Krishna, formerly Asst. Commr., (Enforcement) Prohibition and Excise Guntur District retired as Dy.Commr., P&E, Visakhapatnam - Involvement in two Liquor Syndicate Cases – Disciplinary action initiated – Delinquent officer placed on his defence before the Tribunal for Disciplinary proceedings – Orders of Hon'ble High Court dated 11.12.2020 in W.P. No. 17177 of 2020 – Implemented – orders – Issued.

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REVENUE (VIGILANCE.IV) DEPARTMENT

G.O.Rt.No.711 **Dated:08.11.2021**

Read the following:-

Ref:- 1. From the D.G., ACB,A.P., Lr.No.Rc.No.15/RCOVGT/2012, dt.08.10.2012 (Cr.No.2/RCO-ACB-VJA/2012, dt.25.01.2012).
2. From the D.G.,ACB,A.P., Lr.No.Rc.No.14/RCOVGT/2012, dt.10.10.2012 (Cr.No.1/RCO-ACB-VJA/2012, dt.25.01.2012).
3. Govt.Memo.No.45926/Vig.V(2)/2012-1,dt.16.01.2013.
4. Govt.Memo.No.45965/Vig.V(2)/2012-1,dt.16.01.2013.
5. G.O.Rt.No.867, Rev. (Vig.IV) Department, dt.19.06.2018.
6. From the Hon'bie High Court of Andhra Pradesh at Amaravati, order dt.14.10.2020 in W.P.No.17177 of 2020.
7. G.O.Rt.No.408, Rev. (Vig.IV) Dept., dt.10.07.2021.
8. From the Hon'bie High Court of Andhra Pradesh at Amaravati, order dt.11.12.2020 in W.P.No.17177 of 2020.
9. From the GP for Services, APHC, Lr.No.CC.No.783/2021/NAN/SERI/HC, dt:25.08.2021.
10. Govt.Memo.No.45965/Vig.V(2)/2012-1, dt.04.09.2021.

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ORDER:-

Whereas, it was brought to the notice of the Government that Sri Ch.Gopala Krishna, formerly Assistant Commissioner (Enforcement) Prohibition and Excise Guntur District and retired as Deputy Commissioner, Prohibition & Excise, Visakhapatnam while he was in service involved in two disciplinary cases pertaining to liquor syndicate case of Guntur District among the other Prohibition & Excise officials. After conducting detailed enquiry, the Director General, Anti Corruption Bureau vide reference 1st read above recommended to place Sri Ch.Gopala Krishna on his defense before Tribunal for Disciplinary Proceedings (TDP) along with other Prohibition & Excise officials.

2. After careful examination of the recommendations of the Director General, Anti Corruption Bureau it was taken a decision to entrust the case to the Tribunal for Disciplinary Proceedings (TDP) including that Sri Ch.Gopala Krishna, formerly Assistant Commissioner (Enforcement) Prohibition and Excise Guntur District vide Govt. Memo 3rd and 4th read above. Charge memo was issued by the Tribunal for Disciplinary Proceedings vide Tribunal Enquiry Case No.129 of 2013 and TEC.No.174 of 2013. The enquiry is not concluded till date.

3. In the reference 5th read above accorded sanction for provisional pension @ 75% of normal pension to Sri Ch.Gopala Krishna, as he was retired on 28.02.2018, pending finalization of disciplinary proceedings initiated against him. The payment of Death-cum- Retirement Gratuity and other pensionary benefits admissible kept in abeyance till the final orders issued in disciplinary proceedings.

4. Sri Ch.Gopala Krishna, has filed W.P.No.17177/2020 before the Hon'ble High Court for not concluding the Disciplinary Proceedings in TEC No.129 of 2013 and in TEC No.174 of 2013 and withholding of 25% of monthly Pension, Retirement Gratuity and Earned Leave Salary and consequently declare that the petitioner is entitled for payment of 100% Pension, Retirement Gratuity and Earned Leave salary with interest @ 12% along with the benefit of Commutation of Pension from the date of his retirement.

5. The Hon'ble High Court in IA No. 1 of 2020 in W.P No.17177 of 2020, dated.14.10.2020 has passed the following order:

Contd.,2

"In the circumstances, since there cannot be any impediment for drawal and paying earned leave to the petitioner, who is admittedly a retired employee, the respondents 1 and 2 are directed to draw any pay earned leave amount and disburse to the petitioner, within four weeks from the date of receipt of a copy of this order."

6. In the reference 7th read above accorded sanction for encashment of Earned Leave to Sri Ch.Gopala Krishna, Retired Deputy Commissioner, Prohibition & Excise(In compliance with the orders dt:14.10.2020 in W.P No.17177 of 2020 passed by the Hon'ble High Court of Andhra Pradesh) and the said amount has also credited into the account of the individual on 27-09-2021.

7. The Hon'ble High Court in in W.P No.17177 of 2020 has also passed the following orders dated.11.12.2020, which read as follows:

".....7. In these circumstances, the writ petition is allowed with a direction to the respondents to complete the enquiry and pass orders in TEC Nos.129 and 174 of 2013 within a period of three (3) months from the date of receipt of a copy of this order, failing which, the said disciplinary proceedings shall stand quashed.

8. Further, the charges framed against the petitioner would also show that there is no recovery contemplated under the charges. In these circumstances, there shall be a further direction to the respondents to pass orders for release of the pensionary benefits without reference to the disciplinary proceedings in TEC. Nos.129 and 174 of 2013 within a period of three (3) months from the date of receipt of a copy of this order."

8. Sri Ch.Gopala Krishna, Retired Deputy Commissioner, Prohibition & Excise has filed contempt Case No. 783 of 2021 for not implementing orders dated:11.12.2020 of the Hon'ble High Court of AP in W.P.No.17177/2020.

9. Government, after careful examination of the matter, and in compliance with the orders dated:11.12.2020 in W.P.No.17177 of 2020 of the Hon'ble High Court of Andhra Pradesh hereby accord sanction to fix the pension payable to petitioner and pay the retirement benefits such as full pension, retirement gratuity, and other benefits to Sri Ch.Gopala Krishna, Deputy Commissioner, Prohibition & Excise now retired subject to outcome of the Appeal.

10. The Commissioner of Prohibition and Excise shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

To
Sri Ch.Gopala Krishna, Deputy Commissioner, Prohibition and Excise Visakhapatnam District now retired through Commissioner, Prohibition and Excise, Andhra Pradesh, Vijayawada.
The Commissioner of Prohibition and Excise, Andhra Pradesh, Vijayawada.
Copy to:
The Director General, Anti-Corruption Bureau, Andhra Pradesh, Vijayawada.
The Secretary to Andhra Pradesh Vigilance Commission, Andhra Pradesh Secretariat, Velagapudi.
The Secretary, Tribunal for Disciplinary proceedings, A.P., Nampally, Hyderabad.
The Principal Accountant General (A&E), A.P., Vijayawada.
The Government Pleader for Services - I, Andhra Pradesh High Court, Amaravati. w.r.t. C.C.No.783 of 2021.
The Director of Treasuries and Accounts, Andhra Pradesh, Vijayawada.
Sf/Sc.

//FORWARDED:: BY ORDER//

R. Vijaya Kishore
SECTION OFFICER